

**Federal Defenders
OF NEW YORK, INC.**

Southern District
300 Quarropas Street, Room 260
White Plains, N.Y. 10601-4150
Tel: (914) 428-7124 Fax: (914) 997-6872

David E. Patton
Executive Director
and Attorney-in-Chief

Susanne Brody
Attorney-in-Charge
White Plains

MEMO ENDORSED

January 28, 2020

BY ECF, BY HAND AND MAIL
The Honorable Vincent L. Briccetti
United States District Court Judge
Southern District of New York
300 Quarropas Street
White Plains, New York 10601

The sentencing in this case is already scheduled for 3/16/2020 at 10:30 am. (See Doc. #20). Defendant's sentencing submission is due 3/2/2020. Government's submission is due 3/9/2020. Any further application for an adjournment shall be made in writing by no later than 3/2/2020.

SO ORDERED:

Vincent L. Briccetti, U.S.D. J.

Date

Re: United States v. Jeffery Stover
19 Cr. 163-01(VB)

Dear Judge Briccetti:

This letter is to request a sentencing adjournment for Mr. Jeffery Stover to March 16, 2020 at 10:30. This request is being made to allow this office to fully brief the issue of whether New York State convictions for Manslaughter, NYPL §125.20(1), or gang assault, NYPL §120.07, qualify as crimes of violence under U.S.S.G. §2K2.1(a)(4). The government's position in their *Pimentel* Letter is that they qualify and therefore, the base offense level is a 20. It is our position that they do not qualify. There are cases currently pending in the Second Circuit which may clarify the issue and we anticipate that decisions will be forthcoming which will be determinative. The government does not object to the request for the adjournment but do not agree with the reasons for the request. We thank the Court in advance for your consideration of this request.

Respectfully, submitted,

Susanne Brody

cc: Benjamin Gold, A.F.D.

James Ligtenberg, A.U.S.A.

James Mullen, U.S.P.O. Specialist

Mr. Jeffery Stover